

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ROBERT M. FOUST,)	
)	
Plaintiff,)	
)	
v.)	1:09CV966
)	
ALEXANDER DAWSON, III,)	
)	
Defendant.)	

J-U-D-G-M-E-N-T

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on December 31, 2009, was served on the parties in this action. No objections were filed within the time limits prescribed by § 636.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's complaint [Docket No. 2] is hereby **DISMISSED** for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B).

This the 16th day of October, 2012

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge